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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 09/998,892

Filed: December 3, 2001

Applicant(s): ROSNOW et al.

Title: COMPUTER-IMPLEMENTED
SYSTEM AND METHOD FOR
PRODUCT DEVELOPMENT

Art Unit: 2167

Examiner: Lu, Kuen S.

Attorney Docket: 67202

Customer No.: 48940

Confirmation No. 4171

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

Date

Registration No. _____
Attorney for Applicant(s)

TRANSMITTAL OF APPEAL BRIEF

United States Patent and Trademark Office
Customer Service Window, Mail Stop **APPEAL BRIEF - PATENTS**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant(s) hereby submit(s) to the Board of Patent Appeals and Interferences the following:

- ☐ A Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is enclosed which includes the fee under 37 CFR § 41.20(b)(1) for filing the Notice of Appeal.
- ☒ An Appeal Brief (in triplicate) is enclosed.
- ☒ A Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals was previously filed on August 31, 2005 together with the applicable fee.
- ☒ The fee for filing the Appeal Brief is \$ 500.00 (37 CFR § 41.20(b)(2)).
- ☐ Applicant(s) assert entitlement to Small Entity Status (37 CFR § 1.27), reducing the Appeal Fee by half to \$ ____.
- ☒ Charge \$ 500.00 to Deposit Account No. 06-1135, under our Order No. 1410/67202. A duplicate copy of this paper is enclosed.

Application No. 09/998,892

Appeal Brief Transmittal dated October 31, 2005

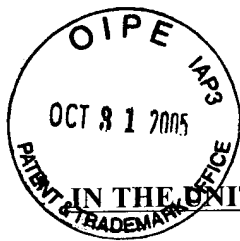
Reply to Office Action/Decision of Primary Examiner of May 31, 2005

- ☐ A check in the amount of the fee is enclosed.
- ☐ Not required (fee paid in prior appeal in this application).
- ☐ A petition for extension of time under 37 CFR § 1.136(a) is enclosed.
- ☐ Also enclosed:
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefor, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefor), or credit any overpayment to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This paper is filed in duplicate.

October 31, 2005
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rosnow, *et al.*

Appl. No.: 09/998,892

Filed: December 3, 2001

For: COMPUTER-IMPLEMENTED SYSTEM
AND METHOD FOR PRODUCT DEVELOPMENT

Art Unit: 2167

Examiner: Lu, Kuen S.

Atty. Dkt.: 67202

Confirmation No. 4171

Appeal Brief
Under 37 C.F.R. § 41

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop **Appeal Brief – Patents**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

(1) Identification

The applicant, application, and examiner's identification data associated with this paper are provided in the above-captioned heading.

Appellants hereby file an Appeal Brief under 37 C.F.R. § 41.37, together with the applicable fee under 37 C.F.R. § 41.20(b)(2).

A Notice of Appeal under 37 C.F.R. § 41.31 was previously filed with the applicable fee under 41.20(b)(1) on August 31, 2005.

11/01/2005 JADD01 00000098 061135 09998892
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(2) **Table of Contents**

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(3) Real Party in Interest

The real party in interest in this case is *Kraft Foods Holdings, Inc.*

An Assignment transferring all right, title and interest in the present application from all the named inventors to that entity is recorded on Reel 012871, Frame 0888.

(4) Related Appeals and Interferences

Appellants are not aware of any other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in the present appeal.

(5) Status of Claims

Claims 1-5, 7-34, and 36-45 are rejected.

Claims 6 and 35 are canceled.

Claims 1-5, 7-34, and 36-45 are being appealed.

(6) Status of Amendments

No amendments were filed subsequent to final rejection.

(7) Summary of Claimed Subject Matter

I. Concise Explanation of the Subject Matter Defined in Independent Claims and Separately Argued Dependent Claims

a) Independent Claim 1

Independent claim 1 is directed to a computer-implemented project development system (400) which comprises a computer (405) coupled for inter-communication to a plurality of stations or clients (422, 424, 426) from which respective users each have a browser-based interface with the computer (405) (page 9, lines 4-13; FIG. 4).

The computer (405) includes project idea managing software operational when executed by a processor to direct the processor to perform the following tasks:

- i) receive information describing a proposed new project (page 24, lines 2-12);
- ii) store information in a database on the proposed new project (page 24, lines 14-20);
- iii) search for information on previous proposed projects stored in a database based on an inputted search request by a user (page 24, lines 20-30; page 46, lines 13-29). Electronically searchable and identifiable histories are preserved on the system of all previous projects, as well as newly submitted and on-going projects. An empirical knowledge database is created, maintained, and accessible on the system encompassing all new project vetting and implementation activities which can be cross-referenced and searched during consideration and vetting of subsequently proposed new projects (page 4, lines 15-21);
- iv) evaluate a proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document (pages 10-15). For instance, not all projects ultimately make it to launch as the project development system includes gates that must be passed through along the way. For example, the process includes tests and checks for market acceptance, technical/production feasibility, resource availability, and so forth, and other important predetermined criteria at appropriate junctures along the development cycle of a given project. Decision makers are prompted to enter yes or no decisions at the predetermined gates, which are done electronically and automatically through the decision maker's browser-enable interface with the automated system. If an assigned decision-maker rejects a project at a given gate at some time before reaching product launch, by making such an entry in the system when prompted, the files generated to date for

that project are stored on the system under its previously assigned project identifier. In this way, as indicated above, electronically searchable and identifiable histories are preserved on the system of all previous projects, as well as newly submitted and on-going projects. An empirical knowledge database is created, maintained, and accessible on the system encompassing all new project vetting and implementation activities which can be cross-referenced and searched during consideration and vetting of subsequently proposed new projects (page 4, lines 11-21; pages 10-15);

v) a graphical user interface provides contextual help, such as best practice tips and so forth, for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow and rests it on a button or heading in the screen (page 4, lines 18-22; page 21, lines 10-15; FIGS. 7A, 7G). For example, as shown in FIG. 7A, a user is provided contextual project development assistance in a pop-up explaining: "To create a project, highlight a division on the list and click Create." In FIG. 7G, *e.g.*, the user is informed and reminded that the listed item is a "GATE" event.

b) Dependent Claim 4

Claim 4, which depends from claim 1, includes the recitation that the computer-implemented project development system further comprises authenticating means for differentiating between external users and internal users, and controlling access of a given user to system resources based on the authenticating data supplied by the user when logging on. The significance of the claimed feature of claim 4 on appeal is explained, *e.g.*, at page 5, lines 13-17; page 11, first paragraph and page 20, last paragraph of the instant specification.

c) Dependent Claim 5

Claim 5, which depends from claim 1, further includes the recitation that the computer-implemented project development system further comprises cookie means for developing a user profile of users and maintaining user activity information on the system (page 5, 17-18; page 20, last line - page 21, line 5).

d) Dependent Claim 7

Claim 7, which depends from claim 1, includes the recitation that the computer-implemented project development system further comprises means for built-in e-mail functionality capability using internet e-mail in which e-mail documents can be separately sent or received by a user without the user needing to back out of the current screen being viewed (page 5, lines 23-24; page 21, lines 15-16).

e) Dependent Claim 8

Claim 8, which depends from claim 1, includes the recitation that the computer-implemented project development system further comprises means for permitting a user to select a name(s) of desired team members for recipients of e-mail in a window without having to scroll out of a screen to send the e-mail (page 5, lines 23-24; page 21, lines 18-21).

f) Dependent Claim 9

Claim 9, which depends from claim 1, includes the recitation that the computer-implemented project development system further comprises means for displaying project reports as printable browser-based documents (page 5, line 21 - page 6, line 3; page 21, lines 21-24).

g) Dependent Claim 10

Claim 10, which depends from claim 1, includes the recitation that the computer-implemented project development system further includes means displaying customized display screens for managerial review providing overview information for projects underway on the system (page 6, lines 1-7; page 22, line 23 - page 23, line 1).

h) Independent Claim 11

Independent claim 11 is directed to a computer-implemented project development system (400), comprising:

a computer (405) coupled for inter-communication to a plurality of stations (422, 424, 426) from which respective users each have a browser-based interface with the computer (405), wherein the computer (405) includes:

project idea managing software operational when executed by a processor to direct the processor to perform the following tasks:

receive idea information describing a proposed new project (page 24, lines 2-12);

store information in a database on the proposed new project (page 24, lines 14-20);

search for information on previous proposed projects stored in a database based on an inputted search request by a user (page 24, lines 20-30; page 46, lines 13-29), and

evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document (page 10-15);

receive technical feasibility information and process the technical feasibility information to generate a technical feasibility document (page 26, lines 6-25);

receive risk assessment information and process the risk assessment information to generate a risk assessment document (page 28, lines 4-14);

receive information on projected project timelines for tasks required to reach market introduction (page 28, lines 15-17);

receive information on task assignments to personnel and associated timelines for completing them (page 28, lines 18-25);

generate a product proposal plan upon receiving at least portion of the idea evaluation information, technical feasibility information, risk assessment information, and projected timelines for the tasks required to reach market introduction information (page 28, line 26- page 27, line 6);

receive information on the acceptance or non-acceptance of the product proposal plan (page 29, lines 9-13);

business planning software operational when executed by the processor to direct the processor to receive business planning information and process the business planning information to generate a business proposition (208) and a capital allocation request 9216), and to receive and process information on the acceptance or non-acceptance of the business proposition and the capital allocation request 218)(page 30, lines 10-29);

project launching software operational when executed by the processor to direct the processor to receive overall finalized product information and process the finalized product information, and to receive and process information on the acceptance or non-acceptance of the product launch (page 35, line 24 to page 36, line 7); and

a graphical user interface providing contextual help for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow and rests it on a button or heading in the screen (page 4, lines 18-22; page 21, lines 10-15; FIG. 7G).

i) Independent Claim 29

Independent claim 29 is directed to a computer-readable medium having computer-readable instructions for performing a method of operating an automated computer (405) based product development system (400) comprising a web server (401) in inter-communication with browser-enabled user stations (422, 424, 426), the method comprising:

receiving idea information describing a proposed new project into the computer (405) (page 24, lines 2-12);

storing information in a database (408) on the proposed new project into the computer (405) (page 18, lines 8-28; FIG. 5);

electronically searching for information on previous proposed projects stored in a database (408) based on an inputted search request by a user (page 24, lines 20-30; page 46, lines 13-29);

evaluating the proposed new project based upon a comparison of the search results for information retrieved on previously proposed projects with the newly proposed project (page 10-15);

receiving technical feasibility information into the computer (page 26, lines 6-16);

processing the technical feasibility information to generate a technical feasibility document (page 26, lines 17-25);

receiving risk assessment information into the computer (page 28, lines 4-10);

processing the risk assessment information to generate a risk assessment document (page 28, lines 11-14);

receiving information on projected project timelines for tasks required to reach market introduction into the computer (page 28, lines 15-17);

receiving information on task assignments for personnel and associated timelines for completing them (page 28, lines 19-25);

processing at least a portion of the idea evaluation information, technical feasibility information, risk assessment information, and projected timelines for tasks required to reach market introduction information to generate a product proposal plan (page 28, line 26- page 27, line 6);

receiving information into the computer (405) on the acceptance or non-acceptance of the product proposal plan (page 29, lines 9-13);

routing the product proposal plan via the computer to a product label and packaging development support subsystem (430), if the product proposal is accepted, for packaging label development (page 29, lines 4-9; page 45, line 25 to page 46, line 3; FIG. 4);

receiving product label information into the computer (405) from the label and packaging development support subsystem (430)(page 46, lines 4-6; page 47, lines 10-13; FIGS 4, 8);

receiving business planning information, if the product proposal plan is accepted, into the computer (page 30, lines 10-29);

processing the business planning information to generate a business proposition (208) and a capital allocation request (216)(page 30, lines 8-29; page 35, lines 1-20; FIG. 2);

receiving information into the computer on the acceptance or non-acceptance (210, 218) of the business proposition (208) and the capital allocation request (216)(page 35, lines 20-23; FIG. 2);

receiving product launch information, if the business proposition and capital allocation request are approved, into the computer (405)(page 36, lines 10-18);

processing the product launch information to generate a (i) request for plant level approval (352) indicating whether a plant designated to produce the product can produce a product meeting criteria established therefor in the product proposal plan, and (ii) a request for release of resources comprising tasking the scheduling, completing and approving of a resource release document relating to release of resources for production of the product, and the resource release document being integrated into the system (page 41, line 22 to page 42, line 12); and

receiving information into the computer on the approval or disapproval of the request for plant level approval, and the request for resource release approval (page 41, line 30 to page 42, line 4, 13-16).

j) Independent Claim 40

Independent claim 40 is directed to a method for automating a project development system (400), comprising:

planning a plurality of project development phases (100, 200, 300) for said project development, wherein said project development phases are capable of being displayed on display units of a plurality of browser-based clients (422, 424, 426) of a computer system (400), and said clients each comprising a browser operable to communicate with a server (401) which can retrieve stored information on previously submitted projects from computer database and pass the retrieved information to the display unit of the client from which the request was made (page 23, lines 11-29; FIGS. 1-3);

providing, for each of said project development phases (100, 200, 300), a set of task requirements necessary to complete each respective project development phase (page 23, lines 5-10; page 43, line 29 to page 44, line 8);

providing for each task requirement a means for determining the completion status of that requirement (page 13, lines 14-16; page 10-12);

providing means for indicating the completion of each task requirement on the display unit (page 13, lines 18-21; page 44, lines 13-17);

providing a graphical user interface providing contextual help for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow and rests it on a button or heading in the screen (page 4, lines 18-22; page 21, lines 10-15; FIG. 7G);

providing means (412) for electronically messaging persons responsible for said tasks (page 3, line 28 to page 4, line 3; page 10, lines 2-5; page 14, lines 2-4; FIG. 5; FIG. 7D);

providing gate means (134, 245-248, 360) after each development phase which is in an open or closed state insofar as permitting the project to progress through the respective gate means, wherein each gate means is opened only when all the requirements for the given project development phase have been completed (page 29, lines 11-13; page 36, lines 8-10; page 42, lines 6-15; page 44, lines 18-29; FIGS. 1-3).

k) Dependent Claim 41

Claim 41, which depends on claim 40, recites means to approve access and access levels of users to the computer (page 11, lines 7-9).

l) Dependent Claim 42

Claim 42, which depends from claim 40, recites means for changing the task requirements during project development (page 4, lines 24-31; page 21, line 25 *et seq.*).

m) Dependent Claim 43

Claim 43, which depends from claim 1, recites a label and packaging development support subsystem permitting users to participate in a uniform label and packaging development process (page 47, lines 7-9; page 49, lines 29-30; page 50, lines 7-8; page 51, lines 6-8, 12-17; page 55, lines 16-31; page 56, lines 5-19; page 57, lines 2-3).

n) Dependent Claim 44

Claim 44, which depends from claim 11, recites a label and packaging development support managing software operational to permit users to participate in a uniform label and packaging development process (page 47, lines 7-9; page 49, lines 29-30; page 50, lines 7-8; page 51, lines 6-8, 12-17; page 55, lines 16-31; page 56, lines 5-19; page 57, lines 2-3).

o) Independent Claim 45

Independent claim 45 is directed to a computer-implemented project development system (400), comprising:

a computer (405) coupled for inter-communication to a plurality of stations (422, 424, 426) from which respective users each have a browser-based interface with the computer (405), wherein the computer (405) includes:

project idea managing software operational when executed by a processor to direct the processor to perform the following tasks:

receive idea information describing a proposed new project (page 24, lines 2-12);

store information in a database on the proposed new project (page 24, lines 14-20);

search for information on previous proposed projects stored in a database based on an inputted search request by a user (page 24, lines 20-30);

evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document (page 10-15); and

selecting means for permitting a user to select one or more names of desired team members for recipients of e-mail in a window by selectively checking boxes next to displayed names of the team members without having to scroll out of a screen to send the e-mail (page 5, lines 26-29; page 19, lines 24-27; FIG. 7D).

The recitations of claim 45 are similar to those of claim 1 except for the respective last clauses thereof.

II. Identification of means plus function claim recitations

In Table 1 below, corresponding descriptions in the specification are set forth for means plus function recitations in the independent claims and separately argued dependent claims involved in this appeal.

Table 1:

Claim 4	Corresponding Specification Descriptions
authenticating means for differentiating between external users and internal users, and controlling access of a given user to system resources based on the authenticating data supplied by the user when logging on	page 5, lines 13-17; page 11, lines 2-13; page 12, lines 27-29; page 45, lines 4-8
Claim 5	Corresponding Specification Descriptions
cookie means for developing a user profile of users and maintaining user activity information on the system	page 5, lines 17-18; page 10, lines 20-23; page 20, line 31 to page 21, line 5; page 49, lines 1-6
Claim 7	Corresponding Specification Descriptions
means for built-in e-mail functionality capability using internet e-mail in which e-mail documents can be separately sent or received by a user without the user needing to back out of the current screen being viewed	page 19, lines 24-27; page 21, lines 15-16; FIG. 7D
Claim 8	Corresponding Specification Descriptions
means for permitting a user to select a name(s) of desired team members for recipients of e-mail in a window without having to scroll out of a screen to send the e-mail	page 5, lines 26-29; page 19, lines 24-27; page 21, lines 18-21; FIG. 7D

Claim 9	Corresponding Specification Descriptions
means for displaying project reports as printable browser-based documents	page 5, line 29 to page 6, line 1; page 21, lines 21-24
Claim 10	Corresponding Specification Descriptions
means displaying customized display screens for managerial review providing overview information for projects underway on the system	page 6, lines 1-5; page 7, lines 24-27; page 22, line 27-30; FIG. 7G
Claim 40	Corresponding Specification Descriptions
providing for each task requirement a means for determining the completion status of that requirement	page 13, lines 14-16
providing means for indicating the completion of each task requirement on the display unit	page 13, lines 18-21
providing means for electronically messaging persons responsible for said tasks	page 3, line 28 to page 4, line 3; page 10, lines 2-5; page 14, lines 2-4; FIG. 5; FIG. 7D (412).
providing gate means after each development phase which is in an open or closed state insofar as permitting the project to progress through the respective gate means, wherein each gate means is opened only when all the requirements for the given project development phase have been completed	page 29, lines 11-13; page 36, lines 8-10; page 42, lines 6-15; FIGS. 1-3 (134, 245-248, 360)
Claim 41	Corresponding Specification Descriptions
means to approve access and access levels of users to the computer	page 11, lines 7-9

Claim 42	Corresponding Specification Descriptions
means for changing the task requirements during project development	page 4, lines 24-31; page 21, lines 25 et seq.
Claim 45	Corresponding Specification Descriptions
selecting means for permitting a user to select one or more names of desired team members for recipients of e-mail in a window by selectively checking boxes next to displayed names of the team members without having to scroll out of a screen to send the e-mail	page 5, lines 26-29; page 19, lines 24-27; page 21, lines 18-21; FIG. 7D

(8) Grounds of Rejection to be Reviewed on Appeal

1) Whether Claims 1-5, 7-10, 40, 42 and 45 are unpatentable under 35 USC §103(a) over Goerz, Jr. et al. (U.S. Publication 2002/0065671, "Goerz"), and further in view of Gennaro et al. (U.S. Pat. No. 5,742,768, "Gennaro").

2) Whether Claims 11-28 are unpatentable under 35 USC §103(a) over Page et al. (U.S. Pat. 6,212,549, "Page") in view of Sandoval et al. (U.S. Pat. Publication 2003/0004766, "Sandoval"), and further in view of Chappel et al. (U.S. Publication 2003/0101089), "Chappel") and Gennaro et al. (U.S. Pat. No. 5,742,768, "Gennaro").

3) Whether Claims 29-34 and 36-39 are unpatentable under 35 USC §103(a) over Page in view of Sandoval, and further in view of Chappel and Underwood (U.S. Pat. No. 6,718,535).

4) Whether Claim 41 is unpatentable under 35 USC §103(a) over Goerz in view of Gennaro et al., as applied to claims 40 and 42, and further in view of Kidder et al. (U.S. Publication 2004/0031030; "Kidder").

5) Whether Claim 43 is unpatentable under 35 USC §103(a) over Goerz in view of Gennaro et al., as applied to claim 1, and further in view of Underwood.

6) Whether Claim 44 is unpatentable under 35 USC §103(a) over Page in view of Sandoval, Chappel, Gennaro, and further in view of Underwood.

(9) Argument

1) Rejection Under 35 U.S.C. § 103(a) Over Goerz, Jr. et al. (U.S. Publication 2002/0065671, "Goerz") in view of Gennaro et al. (U.S. Pat. No. 5,742,768, "Gennaro").

Claims 1-3

Among other differences, Goerz fails to teach or suggest the following claim 1 recitation:

... search for information on *previous* proposed projects stored in a database
based on an inputted search request by a user
[emphasis added by italics]

The final Office Action (at page 3) references page 10, [0106] of Goerz as purportedly teaching that:

"...Goerz' project development workspace may be updated by users connection and search."

The final Office Action (page 4) further references page 8, [0085] of Goerz and urges:

"Goerz' data vault maintains life cycle of project even for forty or more years and available for search is equivalent to Applicant's search for information on previous proposed projects stored in a database based on an inputted search request by a user."

Appellants point out that Goerz' option, described in page 10, [0106] thereof, of further augmenting or updating a "secondary knowledge base 204" with "Website 8 information" after initializing a project development workspace 202 for a particular project is not the same nor equivalent to Appellants' above-noted "search" claim recitation. That is, the above-noted "search" claim recitation of interest provides for *initial* threshold automated searching (screening) of new idea information describing a proposed new project against a prior project database through an interface with the automated project development tool, and not after initializing a project development workspace comparable to feature 202 of Goerz.

In fact, at page 9, [0102], Goerz specifically states that:

"...secondary knowledge base 204 includes nodes for *only* those URLs representing resources and features that may pertain to *the particular project*" (emphasis added by italics).

Similarly, Goerz descriptions at page 8, [0085] merely refer to maintaining retrievable project information for a current project for a number of years, and not predecessor projects in a manner which can be cross-searched between the projects.

In the final Office Action (at page 38, section 12a)), the examiner made further reference to page 8, [0085] of Goerz , and urged:

"... the [Goerz] reference does teach the limitation, as further evidenced by the description of project information is maintained in the life cycle even extending for forty years or more and available for search."

Appellants respond that Goerz, at [0085], merely refers to maintaining retrievable project information for a current project for a number of years, and not predecessor projects in a manner which can be cross-searched between the projects.

Goerz also fails to teach or suggest the following claim 1 recitation:

evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document ...

The final Office Action (at page 4) references Figs. 4 and 19C, and Page 5, [0106] and Page 8, [0085] of Goerz as purportedly teaching that:

"...Goerz' search the data vault and knowledge base, direct to the project life cycle's phases and further display pages of information on the screen is equivalent to Applicant's [above-noted claimed feature]."

Appellants point out that Page 8, [0084] and FIG. 13 of Goerz make it clear that the referenced "optional data vault 132" may be used as an archival location for storing information associated with Website 8, and that in one embodiment the data vault 132 stores indexed knowledge base 38 transactions, wherein a search of the indexed knowledge base produces a selection of information including, for example, information about potential business transactions 134A, selected vendors 134B, and project knowledge 134n.

Moreover, according to Goerz, this information is used to conduct a business-to-business transaction, and not evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document.

Clearly, Goerz does not describe a computer-implemented project development system that is the same as or equivalent to "evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document".

Appellants also disagree with the final Office Action's representation that Goerz, in Figs. 4 and 19C and Page 5, [0063], describes searching the knowledge base and directing the project life cycle's phases is "equivalent" to Applicant's receiving of idea information describing a new project. In actuality, the key word search feature 42 of Goerz allows the customer/user to create a search not otherwise defined in certain pre-defined super categories therein, which relate to most pertinent resources (not previous proposed projects) likely to fulfill the needs of a customer/user who initiates a search under a specific super category heading, and is efficient in that it is limited to searching the specially selected URLs 40 included in the indexed knowledge base 38, rather than the entire universe of URLs available on the Internet, see [0042]-[0043].

The final Office Action (at page 38, section 12b)), also urges that:

"...options of 'print screen' and 'file' and 'save as' to save evaluated data into document is well known to an ordinary skilled in the art for decade(s), as evidenced by the fact that the Examiner, right at this moment, saves this 'the Action' draft into a document named as 'an evaluation of 09/998,882's arguments'."

Even if valid for sake of argument only, these computer operational features have no apparent relevance to the claim recitation of interest, i.e., "evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document".

Appellants further point out that whether a proposed modification or combination of the prior art has a reasonable expectation of success is determined at the time the invention was made, and *not* "right at this moment" of when an examiner processes his work long after that event. *Ex parte Erlich*, 3 USPQ2d 1011 (Bd. Pat. App. & Inter. 1986).

Appellants also submit that it is improper for the Examiner to take official notice of a fact unsupported by documentary evidence in the record under the current circumstances. Particularly, Appellants submit it is improper for the Examiner to take notice of facts beyond the record which are *not* of the type that defy dispute, especially where, as here, they relate to technical facts in an area of esoteric technology, viz., automated computerized project development technology, and where the public *date* of any alleged common knowledge thereof may be subject to considerable dispute absent documentary evidence bearing on that fact.

According to *M.P.E.P. § 2144.03A*:

Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known [citations omitted].

In this case, no documentation has been cited in support of the Examiner's contention bearing a publication date or other indicia of *when* the information may have been available in the public domain, much less a document including any suggestion of using such a feature in a computerized project development system such as taught by Goerz.

The final Office Action (page 4) admits that Goerz fails to teach a "graphical user interface providing contextual help for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow over and rests it on a button or reading in the screen."

That is, in the invention of claim 1 on appeal, users also are automatically provided contextual help as they navigate a cursor through selections and items shown on a screen without the user needing to personally click-on features to get project development instructions or explanations or otherwise affirmatively go searching for assistance or explanations on the

system. However, the examiner has taken the position that Gennaro makes up for this shortcoming of Goerz.

Appellants submits that the secondary reference to Gennaro fails to compensate for the above-identified differences between claim 1 and Goerz, nor does Gennaro teach or suggest the recited pop-up feature for providing contextual help much less for automated project development.

Gennaro fails to describe or suggest a graphical user interface providing contextual help for users displayed as a pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow and rests it on a button or heading in the displayed screen.

The examiner's reference to FIG. 2B, elements 42-48 and FIG. 4, elements 64-66 and col. 4, lines 30-32 of Gennaro (final Office Action, page 39, section 12c)) is unavailing. In Gennaro, a user interacts with a display window 30 and displayed web page 40 including a plurality of so-called "hot spots" 44 that provide access to embedded menus including a number of links, each providing a link (which may or may not be a URL) to another web page or resource, which can be accessed by positioning pointer 42 over one of the hot spots 44 (col. 4, lines 21-42). However, instead of providing the contextual help directly on the current displayed page by merely positioning and resting a cursor arrow on a button or heading in the screen, Gennaro explicitly requires the user to click on a displayed link of the embedded menu to reach the information (e.g., see col. 4, lines 45-48.) Indeed, FIG. 4 of Gennaro, referenced in the final Office Action, specifically shows that a "mouse event" includes a "*mouse click*" (see Gennaro's Fig. 4, decision boxes 68, 82). According to Gennaro, if the answer is "NO" to this "mouse click" inquiry, then Gennaro does not link to a destination URL associated with the selected menu option (see FIG. 4).

Importantly, Gennaro, in FIG. 4, merely refer to a "WHO WE ARE" "embedded menu" having no relevance to automated project development. Gennaro does not suggest that the embedded menus and displayed clickable links to information features may be used in a method and system for project customized business to business development with an indexed knowledge base such as the knowledge database described by Goerz.

Instead, FIG. 4 of Gennaro illustrates a menu listing links to various categories of public general information about a corporation of interest. For example, a user could click on the "Job Opportunities", "Investor Relations", "Subsidiaries", or "sales Offices" items listed in the embedded menu of FIG. 4 of Gennaro, and then get linked to the publicized general corporate information that has no relevance or application to conducting dynamic on-line project development at the corporation.

Gennaro does not teach or suggest how its "embedded menu" feature might be useful in a system for project customized business to business development per Goerz, much less the further inclusion of *contextual help* instead of clickable links to static corporate information. Gennaro never mention projection development in any context.

A feature of the presently claimed invention is facilitating a user via the graphical interface in planning and implementing a project development. Obtaining access to publicized general information about the corporation via displayed clickable links will not serve that goal.

The examiner also suggests in the final Office Action (page 5) that it would have been obvious to combine Gennaro's so-called "mouse-over display" teaching with the Goerz reference because both references are "devoted to internet application" and because the Gennaro reference "heavily involves web resource search and content display".

Appellants disagree that all "internet application" related prior art are implicitly combinable in assessing the patentability of the present claims on appeal. It is well-established that the level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). Instead, the requisite teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The examiner does not identify where Gennaro discloses internet applications having "web resource *search* and content display" functionality (emphasis added by italics), much less a suggestion of its use and how it might be successfully used in a computerized project development system as in Goerz.

The examiner's further suggestion that Gennaro's "web-based mouse-over feature" would have helped project developers using Goerz's system in "more efficiently surfing and retrieving web resources upon which the project development tremendously depends" is speculation; Gennaro makes no such representation or suggestion that his mouse-over feature is adaptable to other such systems.

The mere fact that references can be combined or modified does not render the proposed combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

The examiner's suggested advantages and benefits that might be achieved from the proposed combination of Goerz and Gennaro in the final Office Action (page 5), i.e., helping make Goerz's system "more efficient, cost effective, faster and convenient...", are speculative and lack no factual basis in the documented evidentiary record.

Appellants submit that claims 2-3, which depend from claim 1, are distinguished from Goerz and Gennaro for at least the same reasons as identified above relative to their parent claim, and reference is made thereto.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Also, while Appellants are separately arguing the patentability of dependent claims 4, 5, and 7-10 below, the differences noted between their parent claim 1 and the relied upon prior art also apply to them.

Claim 4

Regarding claim 4, FIGS. 10-11 of Goerz referenced in the final Office Action (page 6) in support of the rejection of this claim only appear to differentiate between registered and unregistered users, and not authenticating means for differentiating between external users and internal users, and controlling access of a given user to system resources based on the authenticating data supplied by the user when logging on.

The significance of the claimed feature of claim 4 on appeal is explained, e.g., at page 11, first paragraph and page 20, last paragraph of the instant specification. For example, potential outside suppliers of a raw material to be used in development of a new product be given sufficient access to the system 400 to be prompted to submit a material information sheet within a given timeline as a task, but not be granted in other access to the various division databases of system 400.

The examiner's reference to the "USPTO database" login system used by examiners to review both public and private records in the final Office Action (page 39, section 12d)) is inapposite. The referenced log-in system for US PTO examiners presumably is not in the public domain, and, even if so, there is no factual evidence of record indicating *when* such might have entered the public domain.

The examiner also contends in the final Office Action (at page 39, section 12d)) that:

"[t]his [authentication] practice has been years, if not decade(s)."

Appellants dispute this allegation. There is no factual evidence in the record regarding when authentication systems might have entered the public domain, much less in the context of business-to-business automated project development systems that might be relevant to Goerz's system.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Claim 5

Also, regarding claim 5, the final Office Action (at page 6) references paragraphs page 7, [0074] and page 10, [0106] of Goerz in support of the rejection of this claim. However, Appellants point out that those passages in Goerz only describe possible use of cookies for user *registration*, (see page 7, [0074], last sentence), and not for developing a user profile of users and maintaining user activity information on the system.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Claim 7

Regarding claim 7, Appellants disagree with the reliance made in the final Office Action (page 7) upon the Goerz reference, page 5, [0060] thereof. Paragraph [0060] of Goerz merely indicates that a customer/user "may engage in a business-to-business transaction by communicating via e-mail where one of the attributes of a listed URL 22 is an e-mail address."

However, this disclosure of Goerz nowhere teaches or suggests "...e-mail documents can be separately sent or received by a user without the user needing to back out of the current screen being viewed" (emphasis added by underlining).

The final Office Action (at page 40, section 12e)) also urges that:

"... the limitation is well known to an ordinary skilled in the art for years, as further evidenced by Microsoft® outlook is a built-in internet email to Windows NT wherein users are capable of continuing to view CNN news while outlook is busy on attaching files to send and receiving documents currently being delivered."

Appellants dispute that the claim limitation in question was common knowledge in the art. Appellants point out that the factual record lacks any showing that it was used in commercially distributed computer software packages for project development *at the time the present invention was made*. To the extent the examiner is correct, for sake of argument only, that the feature in question was made a feature of "Microsoft® outlook" at some point in time, Appellants submit that no factual documentary evidence has been made of record showing *when* such a feature may have been first incorporated into such commercial software or the nature of its application at that time.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Claim 8

Regarding claim 8, the final Office Action (page 7) references page 9, [0093] of Goerz, which Appellants note is a discussion of FIG. 17 of Goerz. That figure of Goerz nowhere refers to "e-mail" in any respect, much less refers to or suggests providing means which permits a user to select a name(s) of desired team members for recipients of e-mail in a window without having to scroll out of a screen to send the e-mail. The final Office Action elsewhere (page 13) indicates that Goerz fails to specifically disclose this claim feature. In any event, the final Office Action (page 7) also refers to Gennaro's so-called "mouse-over display," which was discussed above relative to the rejection of claim 1, and the examiner contends it is "equivalent" to the claim feature at issue.

Appellants point out that Gennaro nowhere indicates or suggests that the embedded menu feature, such as shown in FIG. 2B and 4 thereof, is applicable to e-mail systems much less that it may be used to allow a user to select a name(s) of desired team member recipients of e-mail in a window without needing to scroll out of a screen to send the e-mail.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Claim 9

Regarding claim 9, the final Office Action (pages 7-8) references Fig. 18F of Goerz. However, that figure of Goerz nowhere illustrates or otherwise teaches or suggests that means are provided for displaying project reports as printable browser-based documents.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Claim 10

Regarding claim 10, the final Office Action (at page 8) references Fig. 18F, and page 4, [0054], and page 5, [0058] of Goerz. However, none of these disclosures of Goerz teach or suggest “means displaying customized display screens for managerial review providing overview information for projects underway on the system”.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Claim 40

Regarding the "planning" clause of independent claim 40, the final Office Action (page 8) references Goerz at FIG. 18A, elements 48A-48G; Page 9, [0095]; page 10, [0110], and contends that Goerz discloses a computer system that makes it possible for clients to retrieve stored information on "previously submitted projects from computer database and pass the retrieved information to the display unit of the client...").

However, as discussed by Appellants above relative to claim 1 on appeal, one of ordinary skill in the art would appreciate that Goerz discloses a system permitting users to view aspects of *initialized ongoing* projects. Goerz does not disclose a system providing search capability of all prior projects as part of an evaluation of whether a newly proposed project should be approved or not. Goerz nowhere teaches or suggests providing “a server which can retrieve stored information on previously submitted projects from computer database and pass the retrieved information to the display unit of the client from which the request was made”.

Again, Goerz' option, described in page 10, [0106] thereof, of further augmenting or updating a "secondary knowledge base 204" with "Website 8 information" *after* initializing a project development workspace 202 for a particular project is not the same nor equivalent to Appellants' above-noted claim recitation providing for *initial* threshold automated searching (screening) of new idea information describing a proposed new project against a prior project database through an interface with the automated project development tool, and *not after* initializing a project development workspace comparable to feature 202 of Goerz.

As also noted above, at page 9, [0102], Goerz specifically states that:

"...secondary knowledge base 204 includes nodes for *only* those URLs representing resources and features that may pertain to *the particular project*."

(emphasis added by italics)

Thus, contrary to what is alleged in the final Office Action (page 9), Goerz does not provide for project workspace that may be made public for internet users to access that is "equivalent" to Appellants' "retrieving stored project information," at least not as recited in claim 40 on appeal. The differences do not end there.

Goerz, also fail to describe the claimed recitations of claim 40 reciting:

"... providing, for each of said project development phases, a set of task requirements necessary to complete each respective project development phase; [AND]

providing for each task requirement a means for determining the completion status of that requirement;[AND]

providing means for indicating the completion of each task requirement on the display unit".

The final Office Action (page 9) references FIG. 18F and page 1, [0009], as being relevant to the above claim recitations. However, Goerz' paragraph [0009], it is noted, references a "prior art ... www.ipanet.com" resource which is not used by Goerz in his system, and which Goerz specifically characterizes as follows:

"[t]he ipanet.com Website did not address the need for business-to-business users to assemble an entire project online and in a secure environment."

Therefore, the examiner's reliance on page 1, [0009] of Goerz in support of this rejection is improper. Goerz teaches away from the "ipanet" disclosures of [0009]. FIG. 18F of Goerz merely refers to a "Process Flow Guide" that nowhere includes the word "task," much less indicates the completion status of any assigned tasks can be monitored and displayed over the system.

The further references to Fig. 18A and page 5, [0058] and [0063], page 9, [0093] and [0095], and page 10, [0110], in the final Office Action (pages 9-10, 42) in support of this rejection is also traversed in that none of these teach the particular combination of task management features as recited in claim 40.

Although not referenced in the final Office Action, FIGS. 18C, 18G, 18I, 18K and 18M of Goerz include a reference to a "Task Assignment Checklist." However, the specification of Goerz nowhere elaborates or explains what is involved or what capabilities are associated with the task checklists (see, e.g., page 9, [0094] and [0098]-[0099]). Moreover, FIGS. 18C, 18G, 18I, 18K and 18M refer to "Project Milestones," which apparently set projected deadlines but which are not specifically linked to individual task status monitoring and display.

The examiner urges that Goerz, at page 9, [0095] provides a means for determining the completion status of each task requirement. Appellants note that paragraph [0095] of Goerz refers to a "iwFramework" tool, but nowhere specifically states that tool, whatever it may be as the factual record lacks any detailed direct information on it, provides a means for tracking and determining the completion status of each task requirement of an ongoing project. The "iwFramework" tool capabilities enumerated in [0095] of Goerz nowhere are linked up with providing means for determining the completion status of each task requirement AND for providing means for indicating the completion of each task requirement on the display unit. FIGS. 18C, 18G, 18I, 18K and 18M of Goerz do not suggest those features. Contrary to what is alleged by the examiner (final Office Action, page 9), the capability to generally monitor and control "project transactions, budgets, and schedules" using "iwFramework" as suggested by Goerz in [0095], without more factual evidence, can not be properly presumed to be "equivalent" to the claimed recitations in claim 40 on appeal concerning tasks assignment, and the capability to track and view their completion status via the tool.

The examiner's further reference (final Office Action pages 9-10) to Goerz' alleged management tools for monitoring the project at FIG. 18F, page 5, [0058] and [0063] and page 9, 0095, does not support his position as those disclosures in Goerz say nothing about tasks, task management, or task monitoring on Goerz' system.

Goerz also fail to teach or suggest the recitation in claim 40 of "providing means for electronically messaging persons responsible for tasks" (underlining added for emphasis).

Appellants particularly disagree with the examiner's assertion in the final Office Action that Goerz, at page 9, [0093], disclose this claim feature. That claimed criterion and functionality is not taught by Goerz. Paragraph [0093] of Goerz discusses "receiving real-time e-mail updates" separate and apart from an earlier discussion of the "iwFramework" project management tool.

Nor does the "prior art" referenced in page 1, [0009] of Goerz, for reasons explained above, teach the claimed feature of "providing gate means after each development phase which is in an open or closed state insofar as permitting the project to progress through the respective gate means, wherein each gate means is opened only when all the requirements for the given project development phase have been completed." Referenced FIG. 18F of Goerz nowhere uses the term "Gate" or an equivalent thereto.

Appellants also note that FIG. 18A of Goerz appears to show a process flow guide for a multi-phased project, but, again, no provision for gate means as claimed in claim 40 on appeal are provided for after each development phase (*cf.*, instant FIG. 1, element 134; FIG. 2, decision box before element 300; FIG. 3, element 360).

Nor does the reference to FIG. 18L in the final Office Action (page 10) bolster the rejection position in question. FIG. 18L of Goerz does not appear to be separately discussed in the Goerz specification, much less in an enabling manner to explain to what is meant or intended by the remark:

"Once the Owners Takes Over from the Contractor(s), The Challenge of Successful operation and Maintenance of the project Company Begins." It certainly does not fairly teach or suggest an automated multi-gated project planning system ("planning a plurality of project development phases") wherein "each [project] gate means is opened only when all the requirements for the given project development phase have been completed."

Speculation about what may be "well known to an ordinary skilled in the art" (final Office Action, pages 42), is not a viable substitute for a bona fide teaching or suggestion in the prior art to support the assertion. Again, even if something arguably became "well known" in the art, it is also imperative to factually establish *when* such occurred relative to the time at which the invention of interest was made.

Relative to claim 40, the final Office Action (page 10) again admits that Goerz fails to teach a "graphical user interface providing contextual help for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow over and rests it on a button or reading in the screen," but contends that Gennaro makes up for this shortcoming of Goerz for similar reasons as addressed above relative to claim 1. The examiner does not contend that Gennaro is otherwise relevant to the issues.

Appellants submits that Gennaro fails to compensate for the above-identified differences between claim 40 and Goerz, nor does Gennaro teach or suggest the recited pop-up feature for providing contextual help much less for automated project development for the same reasons as argued by Appellants in their above arguments relative to claim 1.

In view of the above, Appellants submit that this rejection is improper and it should be reversed. Also, while Appellants are separately arguing the patentability of claim 42 below, the differences noted between its parent claim 40 and the relied upon prior art also apply to it.

Claim 42

Regarding claim 42 ("means for changing task requirements during project development"), the examiner references page 1, [0008] and [0009] of Goerz at pages 12 and 41 of the final Office Action as purportedly teaching that feature.

Appellants point out that those disclosures in Goerz relate to prior art characterizations by Goerz. They merely pose "wish-lists" of a more ideal project planning system, but they are not described by Goerz as features incorporated into Goerz' system per se, nor how they might be incorporated therein. The provision of means for changing "task requirements" during the course of an ongoing project development as recited in claim 42, is not disclosed by Goerz.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Claim 45

Appellants submit that Goerz fail to teach or suggest the recited "search" or "evaluate" recitations of claim 45 for the same reasons as explained above by Appellants relative to independent claim 1, which recites similar features.

As to the additional recitation of claim 45 of "selecting means for permitting a user to select one or more names of desired team members for recipients of e-mail in a window ...", the examiner admits that Goerz fails to specifically disclose that feature (final Office Action, page 13).

In the final Office Action (pages 13-14), the examiner relies on Gennaro to compensate for this difference for similar reasons as advanced against separate claim 8, discussed above.

Appellants submit that the proposed combination of Goerz and Gennaro fails to render obvious this claim feature for the same reasons as explained above by Appellants in connection with their above discussion of claim 8, and reference is made thereto.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

2) Rejection Under 35 U.S.C. § 103(a) Over Page et al. (U.S. Pat. 6,212,549, "Page") in view of Sandoval et al. (U.S. Pat. Publication 2003/0004766, "Sandoval"), and further in view of Chappel et al. (U.S. Publication 2003/0101089), "Chappel") and Gennaro et al. (U.S. Pat. No. 5,742,768, "Gennaro").

Claims 11-28

Regarding independent claim 11, the final Office Action (page 15) references FIG. 2, elements e232-236 and descriptions at col. 6, line 47-50, and col. 6, line 59 to col. 7, line 7, of Page in support of an assertion that Page discloses the "search" and "evaluate" recitations of claim 11 on appeal.

However, Appellants point out that those disclosures in Page merely refer to a searching tool 232 used to search through trackpoints in a trackpoint database 232 for *an ongoing project*, and not a system as claimed which can, among other features and aspects:

“receive idea information describing a proposed new project; store information in a database on the proposed new project; search for *information on previous proposed projects* stored in a database based on an inputted search request by a user, and evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document ...” (emphasis added).

Notification tool 234 and the custom book page 236 of Page appear to be even less relevant to the above-indicated presently claimed features in claim 11 on appeal. The differences between Page and claim 11 do not end there.

The final Office Action (pages 16, 43) acknowledges that Page does not specifically teach the recited "project idea managing software operational when executed by a processor to direct the processor to perform the following tasks" nor the recited "receive idea information describing a proposed new project" of claim 11 on appeal. The examiner contends that Sandoval makes up for these shortcomings of Page.

However, even if that assertion is valid, for sake of argument only, the final Office Action never suggests that Sandoval or any of the other relied upon secondary references (Chappel, Gennaro) teach or suggest the "search" and "evaluate" recitations of claim 11 on appeal. So whatever relevance Sandoval or the other secondary references may have to other recited features of claim 11, they will not rescue the primary reference to Page from those above-identified deficiencies relative to the "receive" and "evaluate" recitations of claim 11 on appeal.

For instance, the additionally relied upon Chappel reference is understood to be relied upon in the final Office Action (page 18) as being relevant only to the separate recited claim feature of "... receive risk assessment information and process the risk assessment information to generate a risk assessment document." Appellants point out that whatever relevance Chappel may (or may not) have to that recited feature, it does not compensate for the above-discussed differences identified between claim 11 and Page.

As also admitted in the final Office Action (page 18), Chappel, Sandoval and Page do not specifically teach "a graphical user interface providing contextual help for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow and rests it on a button or reading in the screen," for a computer-implemented project development system. However, the examiner has relied upon Gennaro for that feature, and has applied that reference in a similar manner as set forth against claim 1, discussed above.

Appellants submit that further reliance upon Gennaro for such a "mouse-over" display feature, as styled in final Office Action (pages 18-19), that reliance is improper and for the reasons already set forth above in connection with the arguments made by Appellants against the rejection of claim 1, and reference is made thereto.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

3) Rejection Under 35 U.S.C. § 103(a) Over Page in view of Sandoval, and further in view of Chappel and Underwood (U.S. Pat. No. 6,718,535).

Claims 29-34, 36-39

Claim 29 is distinguished from Page, Sandoval and Chappel for at least the same reasons as explained supra in connection with claim 11. Namely, claim 29 on appeal recites "electronically searching for information on previous proposed projects stored in a database based on an inputted search request by a user," and "evaluating the proposed new project based upon a comparison of the search results for information retrieved on previously proposed projects with the newly proposed project," which has generally parallel recitations in claim 11. Neither feature of which is taught or suggested by Page nor the secondary references to Sandoval, Chappel or Underwood.

Additionally, claim 29 on appeal further recites “routing the product proposal plan via the computer to a label development support subsystem, if the product proposal is accepted, for packaging label development; and receiving product label information into the computer from the label development support subsystem”. These aspects of the invention are described, e.g., at page 20, first full para.; page 29, first full para.; pp. 33-34, bridging para.; and page 47, line 4 *et seq.* of the instant specification; and FIGS. 8-9N.

When the instant claims themselves are construed properly, and in light of the corresponding specification teachings, it is unequivocally clear that the “product label” and “product label information” recited in claim 29 refer to product labeling as part of product and packaging development, and NOT electronic file, folder, etc., “labeling.”

Contrary to the assertions made in the final Office Action (pages 30, 45), Underwood does not teach or suggest routing a product proposal plan via a computer to a label and packaging development support subsystem, if the product proposal is accepted, for packaging label development; and receiving product label information into the computer from the label and packaging development support subsystem.

Instead, Underwood, at the citations of Fig. 116 and col. 272, lines 44-56, and Fig. 34 and col. 86, lines 44-51 relied upon in the final Office Action, actually describes user-defined “labels” associated with:

“any version of any file or project... [a]fter one applies these labels, one can retrieve files associated with a particular state of your project” (col. 272, lines 44-56).

These “labels” are illustrated by Underwood in FIG. 116 thereof under the entitled “Label” showing “Operations Application v 1.0.5” (FIG. 116). Similarly, Underwood illustrates an “Action” column in a screenshot under which items characterized as “Labeled ‘ReTA Architecture v.1.0.4’” (FIG. 34), etc., are used to “mark a specific set of files” (col. 86, lines 47-49).

Clearly, Underwood teaches nothing about “routing the product proposal plan via the computer to a product label and packaging development support subsystem, if the product proposal is accepted, for packaging label development; [and] receiving product label information into the computer from the label and packaging development support subsystem” (emphasis added).

Additionally, the assertion that Underwood’s teachings relate to “generic label creating” in the final Office Action (page 45) does not explain how electronic file labeling per Underwood has any relevance to actual *product labeling* and *packaging* development managed on a computer system.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

4) Rejection Under 35 U.S.C. § 103(a) Over Goerz in view of Gennaro et al. and further in view of Kidder et al. (U.S. Publication 2004/0031030; “Kidder”).

Claim 41

Claim 41, depending on claim 40, further recites means to approve access and access levels of users to the computer.

Appellants, initially, dispute the characterization made in the final Office Action (page 34) that Gennaro (“Gennaro-Goerz”) teaches a so-called “mouse-over” feature as claimed for the same reasons as explained above in connection with claim 1, and reference is made thereto.

The final Office Action cites Kidder (*viz.*, FIG. 11c) against the recited “further ... means to approve access and access levels of users to the computer access” feature of claim 41.

Appellants point that Kidder is not directed to an automated computer-implemented project development system or method of its use. Instead, Kidder provides a method and apparatus for facilitating “hot” upgrades of software components within a telecommunications network device through the use of “signatures” generated by a signature generating program (Abstract; page 2, [0013]-[0017]).

The final Office Action does not identify any description in the relied upon references of Goerz, Gennaro or Kidder that might have served as a teaching, suggestion or incentive motivating one of ordinary skill in the art to modify a computer-implemented project development system as described in Goerz based on anything that Kidder describes in the context of a "hot" software upgrade provision system. The "un-authorized access" and "security" concerns raised in the final Office Action (page 46) are not identified in Goerz, nor does Kidder suggest that they are a concern in automated computer project development systems.

Something in the prior art as a whole must suggest the desirability of making the combination. Whether it may be obvious to try various combinations of features that can be identified in different prior art references is not relevant to the applicable standard under 35 U.S.C. §103.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

5) Rejection Under 35 U.S.C. § 103(a) Over Goerz in view of Gennaro et al. and further in view of Underwood.

Claim 43

Appellants, initially, again dispute the characterization made in the final Office Action (page 35) that Gennaro ("Gennaro-Goerz") teaches a so-called "mouse-over" feature as claimed for the same reasons as explained above in connection with parent claim 1, and reference is made thereto.

As also pointed out above in connection with Appellants' arguments against the rejection of claim 29, none of the relied upon references, including Underwood, teach or suggest integrating a product label and packaging development support managing subsystem or software operational to permit users to participate in a uniform product label and packaging development process, much less how one might go about such an integration. Underwood, as noted supra in connection with the discussion of claim 29, actually describes user-defined "labels" as associated with electronic files, not product labeling and packaging development.

In view of the above, Appellants respectfully submit that a prima facie case of obviousness has not been established against claim 43 based on the proposed combination of Goerz, Gennaro, and Underwood.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

6) Rejection Under 35 U.S.C. § 103(a) Over Page in view of Sandoval, Chappel, Gennaro, and further in view of Underwood.

Claim 44

Appellants again dispute the characterization made in the final Office Action that Gennaro (or “Gennaro-Goerz” for that matter) teaches a so-called “mouse-over” feature for the same reasons explained above relative to the rejection of claim 1.

As also pointed out above in connection with Appellants’ arguments made against the rejection of claim 29, Underwood describes electronic file “labeling”, and not product labeling as part of actual product packaging development. Reference is made to these arguments, which equally apply here. Also, Underwood fails to compensate for the differences between the primary reference of Page and parent claim 11 of claim 44, which were discussed above.

In view of the above, Appellants respectfully submit that a prima facie case of obviousness has not been established against claim 44 based on the proposed combination of Page, Sandoval, Gennaro, and Underwood.

In view of the above, Appellants submit that this rejection is improper and it should be reversed.

Conclusion

For the reasons set forth above, Appellants submit that the claims presently pending in the above-captioned application meet all of the requirements of patentability. It is therefore respectfully requested that the Honorable Board reverse the Examiner and remand this application for issue.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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(10) Claims Appendix

1. A computer-implemented project development system, comprising:
a computer coupled for inter-communication to a plurality of stations from which
respective users each have a browser-based interface with the computer, wherein the computer
includes:

project idea managing software operational when executed by a processor to
direct the processor to perform the following tasks:

receive idea information describing a proposed new project;

store information in a database on the proposed new project;

search for information on previous proposed projects stored in a
database based on an inputted search request by a user;

evaluate the proposed new project using criteria including the search
results for information on previously proposed projects to generate an evaluation document;
and

a graphical user interface providing contextual help for users displayed as pop-
up or scroll in thumbnail windows appearing on the user's display screen when a user moves a
cursor arrow and rests it on a button or heading in the screen.

2. The computer-implemented project development system of claim 1, wherein the
information is stored in an electronic file form that is key-word searchable and retrievable.

3. The computer-implemented project development system of claim 1, wherein the information is stored in an electronic file form under categories of business that are key-word searchable and retrievable.
4. The computer-implemented project development system of claim 1, further comprising authenticating means for differentiating between external users and internal users, and controlling access of a given user to system resources based on the authenticating data supplied by the user when logging on.
5. The computer-implemented project development system of claim 1, further comprising cookie means for developing a user profile of users and maintaining user activity information on the system.
7. The computer-implemented project development system of claim 1, further comprising means for built-in e-mail functionality capability using internet e-mail in which e-mail documents can be separately sent or received by a user without the user needing to back out of the current screen being viewed.
8. The computer-implemented project development system of claim 1, further comprising means for permitting a user to select a name(s) of desired team members for recipients of e-mail in a window without having to scroll out of a screen to send the e-mail.

9. The computer-implemented project development system of claim 1, further comprising means for displaying project reports as printable browser-based documents.

10. The computer-implemented project development system of claim 1, further comprising means displaying customized display screens for managerial review providing overview information for projects underway on the system.

11. A computer-implemented project development system, comprising:
a computer coupled for inter-communication to a plurality of stations from which respective users each have a browser-based interface with the computer, wherein the computer includes:

project idea managing software operational when executed by a processor to direct the processor to perform the following tasks:

receive idea information describing a proposed new project;
store information in a database on the proposed new project;
search for information on previous proposed projects stored in a database based on an inputted search request by a user, and
evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document;
receive technical feasibility information and process the technical feasibility information to generate a technical feasibility document;

receive risk assessment information and process the risk assessment information to generate a risk assessment document;

receive information on projected project timelines for tasks required to reach market introduction;

receive information on task assignments to personnel and associated timelines for completing them;

generate a product proposal plan upon receiving at least portion of the idea evaluation information, technical feasibility information, risk assessment information, and projected timelines for the tasks required to reach market introduction information;

receive information on the acceptance or non-acceptance of the product proposal plan;

business planning software operational when executed by the processor to direct the processor to receive business planning information and process the business planning information to generate a business proposition and a capital allocation request, and to receive and process information on the acceptance or non-acceptance of the business proposition and the capital allocation request;

project launching software operational when executed by the processor to direct the processor to receive overall finalized product information and process the finalized product information, and to receive and process information on the acceptance or non-acceptance of the product launch; and

a graphical user interface providing contextual help for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow and rests it on a button or heading in the screen.

12. The system of claim 11, wherein the project idea managing software is operational to direct the processor to further perform, between the tasks of receiving the technical feasibility and risk assessment information, a task of receiving and processing consumer feedback information obtained via surveying potential customers on the concept of the proposed project.

13. The system of claim 11, wherein the project idea managing software is operational to direct the processor to further perform, between the tasks of receiving the technical feasibility and risk assessment information, a task of receiving and processing input forecast of potential volume of said new project.

14. The system of claim 11, wherein the business planning software is operational to direct the processor to further perform a task of receiving and processing consumer testing information on product prototypes associated with the new project.

15. The system of claim 11, wherein the project launching software is operational to direct the processor to further perform a task of receiving and processing customer authorization information for product market introduction.

16. The system of claim 11, wherein the project launching software is operational to direct the processor to further perform tasks of receiving and processing initial product information, and to receive and process information on the acceptance or non-acceptance of the initial product information.

17. The system of claim 11, wherein the project launching software is operational to direct the processor to further perform tasks of receiving and processing resource release information to generate a resource release document, and to receive and process information on the acceptance or non-acceptance of the resource release.

18. The system of claim 11, wherein at least one of the work stations comprises a desktop computer, a laptop computer, a computer terminal, or an Internet appliance.

19. The system of claim 11, further including a database including memory storing identification, task assignment, scheduling and outcome information on previously proposed projects and newly proposed projects, wherein said database is associated with a web server, and the browser-enabled stations being operable to communicate a request to the server to access said project information, and the server being operable, upon receipt of the request, to retrieve and pass the requested information to station to be displayed by the browser.

20. The system of claim 11, including browser software residing on the stations, and said computer including a web server through which users enter a web home page or portal for the system upon sending a system URL via HTTP to the web server.

21. The system of claim 11, further comprising task control software operational to permit an administrator of the project to make additions, changes or deletions in the task assignments during implementation of a project on the system.

22. The system of claim 11, further comprising task control software operational to permit an administrator of the project to make changes in timelines associated with task assignments during implementation of a project on the system.

23. The system of claim 11, further comprising task control software operational to permit an administrator of the project to select from among optional task assignments during the receiving of the information on task assignments.

24. The system of claim 11, further comprising task control software operational to permit an administrator of the project to add task assignments after the receiving of the information on task assignments and during implementation of a project on the system.

25. The system of claim 11, further comprising document storing and retrieval software for maintaining documents generated during project development which are applicable to given tasks.

26. The system of claim 11, further comprising document storing and retrieval software for maintaining document templates applicable to tasks.

27. The system of claim 11, further comprising project information generating software for displaying task information and timelines on a browser-enabled user station for a selected project.

28. The system of claim 11, further comprising project information generating software for displaying task information and timelines on a browser-enabled user station for a selected project, further including electronic mail software providing an interface with electronic mail associated with the selected project.

29. A computer-readable medium having computer-readable instructions for performing a method of operating an automated computer based product development system comprising a web server in inter-communication with browser-enabled user stations, the method comprising:

- receiving idea information describing a proposed new project into the computer;
- storing information in a database on the proposed new project into the computer;

electronically searching for information on previous proposed projects stored in a database based on an inputted search request by a user;

evaluating the proposed new project based upon a comparison of the search results for information retrieved on previously proposed projects with the newly proposed project;

receiving technical feasibility information into the computer;

processing the technical feasibility information to generate a technical feasibility document;

receiving risk assessment information into the computer;

processing the risk assessment information to generate a risk assessment document;

receiving information on projected project timelines for tasks required to reach market introduction into the computer;

receiving information on task assignments for personnel and associated timelines for completing them;

processing at least a portion of the idea evaluation information, technical feasibility information, risk assessment information, and projected timelines for tasks required to reach market introduction information to generate a product proposal plan;

receiving information into the computer on the acceptance or non-acceptance of the product proposal plan;

routing the product proposal plan via the computer to a product label and packaging development support subsystem, if the product proposal is accepted, for packaging label development;

receiving product label information into the computer from the label and packaging development support subsystem;

receiving business planning information, if the product proposal plan is accepted, into the computer;

processing the business planning information to generate a business proposition and a capital allocation request;

receiving information into the computer on the acceptance or non-acceptance of the business proposition and the capital allocation request;

receiving product launch information, if the business proposition and capital allocation request are approved, into the computer;

processing the product launch information to generate a (i) request for plant level approval indicating whether a plant designated to produce the product can produce a product meeting criteria established therefor in the product proposal plan, and (ii) a request for release of resources comprising tasking the scheduling, completing and approving of a resource release document relating to release of resources for production of the product, and the resource release document being integrated into the system; and

receiving information into the computer on the approval or disapproval of the request for plant level approval, and the request for resource release approval.

30. The method of claim 29, wherein said evaluating step further comprises assigning at least one person responsible for conducting the comparison of the electronic search results for information retrieved on previously proposed projects with the newly proposed project, and receiving information into the computer indicating whether the proposed new project is accepted or not-accepted based on said comparison.

31. The method of claim 29, further comprising, between the steps of processing the technical feasibility information and receiving risk assessment information into the computer, receiving and processing consumer feedback information obtained via surveying potential customers on the concept of the proposed project.

32. The method of claim 29, further comprising, between the steps of processing the technical feasibility information and receiving risk assessment into the computer, receiving and processing input forecast of potential volume of said new project.

33. The method of claim 29, wherein said receiving of business information into the computer includes receiving information on product prototypes associated with the new project.

34. The method of claim 29, wherein said receiving of product launching information includes receiving customer authorization information for product market introduction.

36. The method of claim 29, wherein said receiving idea information describing a proposed new project into the computer includes assigning a unique project identifier thereto.

37. The method of claim 29, further comprising, after the receiving of information on task assignments and associated timelines for completing them, receiving information from an administrator of the project making additions, changes or deletions in the task assignments during implementation of a project on the system.

38. The method of claim 29, further comprising, after the receiving of information on task assignments and associated timelines for completing them, receiving information from an administrator of the project making changes in the timelines associated with task assignments during implementation of a project on the system.

39. The method of claim 29, further comprising sending electronic mail to personnel regarding the status of the task assignments during project development.

40. A method for automating a project development system, comprising:

planning a plurality of project development phases for said project development, wherein said project development phases are capable of being displayed on display units of a plurality of browser-based clients of a computer system, and said clients each comprising a browser operable to communicate with a server which can retrieve stored information on previously submitted projects from computer database and pass the retrieved information to the display unit of the client from which the request was made;

providing, for each of said project development phases, a set of task requirements necessary to complete each respective project development phase;

providing for each task requirement a means for determining the completion status of that requirement;

providing means for indicating the completion of each task requirement on the display unit;

providing a graphical user interface providing contextual help for users displayed as pop-up or scroll in thumbnail windows appearing on the user's display screen when a user moves a cursor arrow and rests it on a button or heading in the screen;

providing means for electronically messaging persons responsible for said tasks;

providing gate means after each development phase which is in an open or closed state insofar as permitting the project to progress through the respective gate means, wherein each gate means is opened only when all the requirements for the given project development phase have been completed.

41. The method of claim 40, further comprising means to approve access and access levels of users to the computer.

42. The method of claim 40, further comprising means for changing the task requirements during project development.

43. The computer-implemented project development system of claim 1, further comprising a label and packaging development support subsystem permitting users to participate in a uniform label and packaging development process.

44. The system of claim 11, further comprising label and packaging development support managing software operational to permit users to participate in a uniform label and packaging development process.

45. A computer-implemented project development system, comprising:
a computer coupled for inter-communication to a plurality of stations from which respective users each have a browser-based interface with the computer, wherein the computer includes:

project idea managing software operational when executed by a processor to direct the processor to perform the following tasks:

receive idea information describing a proposed new project;

store information in a database on the proposed new project;

search for information on previous proposed projects stored in a database based on an inputted search request by a user;

evaluate the proposed new project using criteria including the search results for information on previously proposed projects to generate an evaluation document; and

selecting means for permitting a user to select one or more names of desired team members for recipients of e-mail in a window by selectively checking boxes next to displayed names of the team members without having to scroll out of a screen to send the e-mail.

(11) Evidence Appendix

None.

(12) Related Proceedings Appendix

None.